

REMARKS

The last Office Action in the above-identified application has been considered and the above amendments are presented in order to place this application in condition for allowance.

Attached hereto is a Substitute Declaration and Power of Attorney form.

Also attached is a revised Abstract in accordance the Examiner's kind suggestions.

With respect to the drawings, applicant respectfully disagrees that the use of the reference characters 7, 17 and 10 are incorrect or confusing. Each of these characters identifies a separate element or surface. Character 7 identifies the seat 7 on the barking arm and on which the barking tool rests. Reference numeral 17 identifies a countersink in the barking tool. It is identified as such throughout the specification, although applicant has added the word countersink to page 16, line 16. Applicant does not find a reference numeral 17 at page 6, line 16 of the specification. Likewise applicant does not find the reference numeral 10 at page 4, line 23 of the application. That reference numeral appears at page 14, line 23 where it also is identified as a countersink. It is a different countersink than the countersink 17 and is on a different element. There is no reason why the specification cannot refer to two different countersinks with two different reference numerals. Accordingly, applicant submits that no corrections to the specification or the drawings are required..

Claims 1-8 have been amended to overcome the Examiner's, objections under 35 U.S.C. § 112 and to delete the alternative expression. It is believed that the claims now comply with § 112.

With regard to the use of the expression “its”, applicant submits that that term, where still used, refers to the immediately preceding element. However, the claims have been amended to reduce the use of that term for clarity.

With regard to the references to “shank” and “head”, it is true that both the first and second connecting means have a shank and a head. However, as amended, the claims now clearly specify which of the connecting means is being referred to and which shank and head of which connecting means is intended.

With respect to the terms “keel-shaped” and “groove-shaped”, it is submitted that those terms are not indefinite and would be well understood by those skilled in the art. This is particularly true since, as amended, applicant specifically defines what those shapes are (i.e., “keel-shaped, having at least two surfaces curved in the form of circular arcs at an angle to each other which, in the in the area of the center of the barking tool, form a ridge or crest”). Similar language is used for the the term “groove-shaped”. Applicant can be his own lexicographer and in this case the definition is provided in the claims themselves.

With regard to the Examiner’s objection to the use of the phrase “connecting means”, that term is used in the claims in conjunction with specific structure identifying what the means is. Therefore, contrary to Examiner’s contention, that term is not a means plus functions element.

Turning to the rejection of the claims in view of the Jonsson reference, that rejection is respectfully traversed. The structure of applicant’s invention as described in the specification and shown clearly in the drawings includes an elongated opening in the barking tool which extends perpendicular to the direction of travel of the logs in the barking device. In one embodiment of the invention the nuts 23, 23' are placed in that groove and seated on the countersink 17 that surrounds the groove so that the nut cannot twist in the tool. In addition, the claim specifies that the barking tool and the seat of the barking arm are convex and concave respectively, “in the form of a circular arc”. That clearly is not the case with the polygonal and multifaceted surfaces in the Jonsson reference.

Thus, Claim 1 as originally filed and as amended specify that “said barking tool” has “the convex mounting surface which is curved in the form of a circular arc about a first axis of curvature”. There is no such structure in the Jonsson reference.

Similarly, Claim 1 specifies that the tool seat has “a concave seat surface curved in the form of a circular arc about a second axis of curvature which is oriented essentially parallel to the intended direction of feed of the logs”. The claim additionally specifies that “an elongate through groove” is provided in one of the barking arm or the barking arm (the one that does not have the through hole 9) and extends perpendicular to the intended direction of feeding of the logs. There is no such elongated groove in Jonsson.

Claim 1 further specifies that the groove has a countersink for the head of one of the connecting means parts (i.e., the barking arm or the barking tool, whichever has the groove). No such countersink is shown in the Jonsson reference.

Still further, the claim specifies that the head of the connecting means part which is seated in the countersink has a size and shape which “non-rotatably and essentially without play fits in at least one of the countersink or groove”. No such structure appears in the Jonsson reference. That structure prevents displacement and rotation of the nut and the barking tool.

Claims 2-5 depend from Claim 1 and are allowable therewith. These claims have merely been amended to clarify informalities noted by the Examiner.

Claims 6 is directed to the barking tool itself, but claims the curvature of the tool and the elongated groove and countersink. Accordingly, Claim 6 is allowable with Claim 1.

Claims 7 and 8 depend from Claim 6 and are allowable therewith.

In view of the above amendments and remarks, this application is believed to be in condition for allowance and such action is solicited.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Pasquale A. Razzano', written over a horizontal line.

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